

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-CR-10-1BR
No. 7:17-CV-184-BR

TIMOTHY JEROME WHITFIELD,)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
 Respondent.)

ORDER

This matter is before the court on the memorandum and recommendation (“M&R”) of U.S. Magistrate Judge Robert T. Numbers, II filed 12 April 2018. (DE # 58.) Petitioner has not filed an objection to the M&R. The court adopts the M&R as its own, and for the reasons stated therein, the government’s motion to dismiss is GRANTED, and petitioner’s 28 U.S.C. § 2255 motion is DISMISSED as untimely. The court finds that petitioner has not made “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings, a certificate of appealability is DENIED.

This 14 May 2018.



W. Earl Britt
Senior U.S. District Judge